

1
2 *Folwell*, 477 So.2d at 1063. Since plaintiff fails to distinguish or contradict this authority, the
3
4 Court must conclude that the only proper defendant is the church's corporate incarnation, COP.
5
6 COP's motion should be granted.

7
8 **2. COP Accepts Plaintiff's Offer to Dismiss the Church.**
9

10 Plaintiff does not dispute COP's assertion that the Church is not needed by plaintiff to
11
12 prove liability or collect damages. To the contrary, plaintiff concedes that the Church should be
13
14 dismissed—and that he would do it himself—if agents of the Church are deemed agents of COP.
15
16 Pl.'s Opp. at 4:22. COP hereby accepts plaintiff's offer. With nothing in dispute, the Court
17
18 should dismiss the Church.

19
20 Setting aside plaintiff's unreasonable suggestion that COP should enter into a stipulation
21
22 "for all cases," the circumstances of which are neither known nor relevant here, COP agrees to
23
24 the following for purposes of this case: (1) anyone who would be an agent of the Church if the
25
26 Church were a party is an agent of COP; (2) any statement that would be an ER 801 party
27
28 admission of the Church if the Church were a party is likewise an admission of COP; and (3) the
29
30 Church is not an entity to whom fault can be attributed under RCW 4.22.070. Hence, COP has
31
32 provided the assurances plaintiff has requested, and the Court should adopt plaintiff's suggestion
33
34 to dismiss the Church from the litigation.
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REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS - 3

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1 **3. Judge Zilly's Ruling is Not Binding**

2
3 Plaintiff states that Judge Zilly already ruled on this issue. This ruling is not law of the
4
5 case, a doctrine that applies to prior appellate rulings,³ and plaintiff does not suggest otherwise.
6
7 Judge Zilly's remand order is like any other pretrial order that can be modified before judgment.
8

9 Substantively, as COP previously discussed, it is a ruling borne of a misconception, and
10
11 thus should be reexamined in light of the undisputed fact that no "empty chair" results from
12
13 dismissal of the Church. Plaintiff argues he did not intentionally mislead Judge Zilly. Whether
14
15 plaintiff's briefing to Judge Zilly was intentionally misleading or not is not the point, and COP
16
17 did not intend to paint counsel in a negative light. The important thing is that plaintiff's
18
19 suggestion of the empty chair risk came on reply brief, it was wrong, and Judge Zilly relied on it.
20

21 **B. Judicial Estoppel Does Not Apply.**

22
23 COP candidly concedes that the Church's attention to corporate formalities has not
24
25 always been as rigorous and consistent as it has become in the last decade. The Church has
26
27 participated in litigation in its own name. The question for this Court is thus whether the legally
28
29 correct ruling should be sacrificed because of an artifact of Church history? Legally and
30
31 equitably, the answer must be no.

32
33 Plaintiff's reliance on judicial estoppel is misplaced. Division I of the Court of Appeals,
34
35 quoting the United States Supreme Court, has stated that judicial estoppel "prevent[s]
36
37 'perversion of the judicial process' by not allowing parties to 'gain an advantage by litigation on
38
39 one theory, and then seek[ing] an inconsistent advantage by pursuing an incompatible theory.'"

40
41 *Falkner v. Foshaug*, 108 Wn. App. 113, 124, 29 P. 3d 771 (2001) quoting *New Hampshire v.*
42

43 ³ "In its most common form, the law of the case doctrine stands for the proposition that once there is an appellate
44 holding enunciating a principle of law, that holding will be followed in subsequent stages of the same litigation."
45 *Roberson v. Perez*, 156 Wn.2d 33, 41 (2005)

1 *Main*, 532 U.S. 742, 750 121 S. Ct. 1808, 149 L. Ed.2d 968 (2001). Judicial estoppel is applied
2
3 in the discretion of the court. *Id.*
4

5 As a threshold matter, judicial estoppel should not apply because the alleged
6
7 inconsistency relates to a question of law—capacity to sue and be sued—not fact. However, “the
8
9 heart of the doctrine is the prevention of inconsistent positions as to facts. It does not require
10
11 counsel to be consistent on points of law.” *King v. Clodfelder*, 10 Wn. App. 514, 521 (1974).
12
13 *Accord, Holst v. Fireside Realty Inc.*, 89 Wn. App. 245, 259, 948 P.2d 858 (1997) (the “doctrine
14
15 prevents a party from taking a factual position that is inconsistent with his or her factual position
16
17 in previous litigation.”)
18

19 Both the United States Supreme Court and the courts of this state have cited factors to
20
21 guide the Court in exercising its discretion, and “these factors are not exclusive and ‘additional
22
23 considerations may inform the doctrine’s application in specific factual contexts.’” *Falkner*, 108
24
25 Wn. App. at 124-25, quoting *New Hampshire v. Main*, 532 U.S. at 751. The Court of Appeals in
26
27 *Falkner* identified the following factors:
28

29 [T]he following have been enumerated as essentials to the
30 establishment of an estoppel under the rule that a position taken in
31 an earlier action estops the one taking such position from assuming
32 an inconsistent position in a later action: (1) the inconsistent
33 position first asserted must have been successfully maintained; (2)
34 a judgment must have been rendered; (3) the positions must be
35 clearly inconsistent; (4) the parties and questions must be the same;
36 (5) the party claiming estoppel but have been misled and have
37 changed his position; (6) it must appear unjust to one party to
38 permit the other to change.
39

40 *Falkner*, 108 Wn. App. at n.36.⁴ These factors are not present here:
41
42
43

44 ⁴ The *Falkner* court noted that the Supreme Court in *New Hampshire v. Maine* identified a similar set of factors: “(1)
45 clear inconsistency between the party’s earlier and later positions; (2) the party’s success in convincing the court to

- 1 • Not successfully maintained: There is no evidence that the Church
2 actually *advocated* a contrary position, or that a court adopted it. The alleged
3 inconsistency arises solely by virtue of the Church's silence (in those cases in
4 which it was sued) and by implication (in those few cases in which is brought
5 suit).
6
- 7 • Not clearly inconsistent: As discussed above, the Church's position was
8 not inconsistent on a point of fact.
9
- 10 • Not same parties: Here, the parties are different.
11
- 12 • Plaintiff not misled: Plaintiff does not contend the Church's alleged
13 inconsistency caused him to be misled in any way or to change his position.
14
- 15 • No injustice: Dismissing the Church cause no injustice to plaintiff, as it
16 affects neither plaintiff's liability nor damages case. To the contrary, it would be
17 unjust to require the Church to answer in all future suits simply because it did not
18 always adhere strictly to corporate formalities.
19

20 In sum, whichever half of the equation one examines—the Church's actions or the effect
21 upon the plaintiff—judicial estoppel is not supported. The Church did not persuade a court in
22 the earlier actions to accept its right to sue or be sued, which in any event is a legal question.
23 And, plaintiff asserts no reliance or prejudice. Plaintiff cites judicial estoppel in an effort to lock
24 the Church into a position which plaintiff impliedly concedes is not supported by law. This is
25 not a just result, it is not supported by the law, and it should not be endorsed by this Court.⁵
26

27 accept its position in the earlier litigations; and (3) an unfair detriment to the opposing party from allowing assertion
28 of the inconsistent positions." *Falkner*, 108 Wn. App. at 125.

29 ⁵ Plaintiff's judicial estoppel argument focuses particular attention on *Scott v. Corporation of the Presiding Bishop*
30 *of the Church of Latter Day Saints, et. al.* (D. Ore. Civ. No. 98-366). In that case, the complaint named the Church,
31

32 REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS - 6

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C. Compliance with the Beliefs of the Church is Not "Doing Business."

In the alternative, COP moved to dismiss because service was improper and no service could be made on a Church agent because the Church is not doing business in Washington. Relying on their own interpretation of Church doctrines and religious practices concerning tithing/almsgiving and missions (evangelizing), plaintiff asserts there can be "no question" as to whether the Church does business. COP agrees there is no question on this topic, but draws the opposite conclusion.

1. The Court Must Accept the Church's Interpretation of Its Own Doctrine and Practices.

To the extent this issue turns on the characterization of Church doctrine and practices, this Court must accept the Church's interpretation over plaintiff's caricatures.⁶ Basic First Amendment law holds that churches are the definitive interpreters of their own religious doctrines, teachings, polities, and practices.⁷ Absent a sham, no litigant or civil court has the right to second-guess a church in the interpretation of its own religion.

not COP, as a corporation sole, which the Church denied. The Church then filed a motion "for determination of diversity jurisdiction," advising the court that it had no desire to return to state court but *if* the Court viewed the Church as an unincorporated association, and that entity was a defendant, then the traditional rule would defeat diversity. The Church defendants did not concede that the unincorporated Church was a proper defendant with COP — the issue was not addressed at all — and thus there is no inconsistency between COP's position here and in *Scott*.

⁶ Plaintiff's self-serving portrayals betray a fundamental misunderstanding of Church doctrine and practices and highlight the dangers of allowing an adverse litigant to characterize a church's religious practices. The distortions will be more fully examined below.

⁷ Since *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871), the United States Supreme Court has repeatedly held that "civil courts exercise no jurisdiction" over "a matter which concerns theological controversy." *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713-14 (1976) (quoting *Watson*, 80 U.S. (13 Wall.) at 733-34). Civil courts can never "engage in the forbidden process of interpreting and weighing church doctrine." *Presbyterian Church v. Mary Elizabeth Blue Hull Mem'l Presbyterian Church*, 393 U.S. 440, 451 (1969).

REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS - 7

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2. **Tithing and Missionary Work are Religious Practices, Not “Doing Business.”**

The religious practices plaintiff calls “business” are actually central to the spiritual life of the Church.⁸ As such, the Church’s practices of tithing and evangelizing no more constitute “doing business” in Washington than the Catholic Church’s practice of communion. Second Declaration of Paul Rytting, ¶¶ 4-5. These core religious practices are simply not “business” under Washington law – they are fundamentally religious, not commercial. If the Church were operating a grocery store as a mechanism to raise funds, that would be doing business. The practices cited by plaintiff are not commercial in nature, and thus cannot be characterized as “doing business.”

Plaintiff argues that the Church’s missionary effort in the State of Washington indicates that it is doing business. That simply is not the case. The Church’s missionary effort is a core spiritual function. Rytting Declaration, ¶ 4. Moreover, the Church is not doing business in the mission. It does not own any of the property used by the mission or enter contracts in connection with the mission. *Id.* ¶ 6. The spiritual work of the mission would not be possible without supporting “business” functions (e.g., checking accounts), but these are controlled and owned by corporate entities. In fact, the funds used to operate the mission are drawn on accounts owned by COP. *Id.*

⁸ The ancient religious practices of tithing/almsgiving and evangelizing are expressly enjoined by scriptural texts (see Malachi 3:8-12; Mark 16:15-16), which under Church doctrine remain binding on current Church members.

1 Similarly, the payment of tithing is a core spiritual function,⁹ but the "business" of
 2
 3 facilitating the donation is done by COP, not the Church. *Id.* ¶¶ 5, 7-11. While it is true that
 4
 5 the funds are collected by local wards and deposited in local banks, those accounts are swept
 6
 7 within 24 hours and the funds deposited in a central account owned by COP. *Id.* ¶ 7. The
 8
 9 checking account used by the local wards and stakes is funded by COP but owned by a second
 10
 11 Church corporation, The Corporation of the Presiding Bishop of The Church of Jesus Christ of
 12
 13 Latter-day Saints ("CPB"). *Id.* ¶ 8. The local ward budget is an amount allocated to local units
 14
 15 by COP and CPB. *Id.* ¶ 9. The local units are aided greatly in tracking funds and administering
 16
 17 budgets by paid COP and CPB employees. *Id.*

18
 19 Plaintiffs incorrectly indicate that tithing is used to provide welfare services to needy
 20
 21 members. In reality, another donation known as fast offerings is used for that purpose. *Id.* ¶ 10.
 22
 23 Again, those local donations are swept into a central COP account. *Id.* In most instances, the
 24
 25 Church does not have to buy food or other commodities provided to the needy, contrary to
 26
 27 Plaintiff's contentions, inasmuch as Church-affiliated corporations operate their own farms and
 28
 29 other facilities for welfare purposes. *Id.* Those welfare operations are all owned and operated by
 30
 31 corporate entities not the Church. *Id.* ¶ 12. Any need to purchase items to provide for the needy,
 32
 33 are again, drawn on COP accounts. *Id.* ¶ 11.
 34
 35
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 38

39 ⁹ For example, contrary to plaintiff's assertion, Church members are not "required" to tithe their earnings and there
 40 is no "audit" to "ensure compliance with their mandatory tithing requirement." Pl.'s Opp. at 10. This picture of
 41 coercion entirely distorts the meaning and place of tithing within the Church's spiritual life. The payment of tithing
 42 is considered a privilege of membership with associated blessings. Members do indeed make a personal declaration
 43 to their bishop of whether they tithe, but no one's membership is revoked for failing to do so. And while the Church
 44 will accept certain in-kind donations, it does so exclusively through a corporate entity like COP – the Church as an
 45 unincorporated association does not take title to real property. Plaintiff may have a copy of the Church's
 ecclesiastical canons, but they have no idea how they actually apply in a Church congregation.

1 Finally, local wards and stakes and, respectively, their bishops and stake presidents, do
2
3 not do business. They do enter into contracts. *Id.* ¶13. They do not buy the furniture in their
4
5 buildings. They do not employ the maintenance staff or even pay the light bill. They do not own
6
7 or maintain the properties. These functions are performed through COP or other corporate
8
9 entities and their authorized agents.

10
11 In sum, Plaintiff's contention that the Church is doing business is grossly inaccurate.
12
13 This Court should conclude that the Church is not doing business in the State of Washington and,
14
15 therefore, service cannot be had on any Church agent.

16 17 III. CONCLUSION

18
19 For the reasons stated above and in COP's opening memorandum, COP respectfully
20
21 requests that this Court dismiss the Church from this suit.

22
23 DATED this 5th day of February, 2007.

24
25 GORDON MURRAY TILDEN LLP

26
27 By 
28

29 Charles C. Gordon, WSBA #1773

30 Jeffrey I. Tilden, WSBA #12219

31 Michael Rosenberger, WSBA #17730

32 Attorneys for Defendant

33 Corporation of the President of the Church
34 of Jesus Christ of Latter-Day Saints

FILED

2007 FEB -7 PM 4:10

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendant.

NO. 06-2-09825-1 SEA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 7, 2007, copies of the following
document:

1. PRAECIPE TO DEFENDANT'S REPLY BRIEF; and
2. this CERTIFICATE OF SERVICE

were served at the following addresses via the methods indicated:

Michael T. Pfau

Michelle A. Menely

Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP

CERTIFICATE OF SERVICE - 1

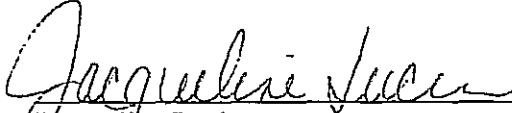
ORIGINAL

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11 Seattle, WA 98101
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15

16
17 DATED this 7th day of February, 2007.

18
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20 _____
21 Jacqueline Lucien
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CERTIFICATE OF SERVICE - 2

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The Honorable William L. Downing
Hearing Date: February 9, 2007 at 11:15 a.m.

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

NO. 06-2-09825-1 SEA

Plaintiff,

PRAECIPE TO DEFENDANT'S
REPLY BRIEF

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

Defendant's Reply Brief in Support of Motion to Dismiss and/or Motion for Summary

Judgment omitted a word, "not," on page 10, line 3. The corrected sentence should read as
follows: "They do not enter into contracts."

///

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1 DATED this 7th day of February, 2007.

2
3 GORDON MURRAY TILDEN LLP

4
5
6
7 By 

8 Charles C. Gordon, WSBA #1773

9 Jeffrey I. Tilden, WSBA #12219

10 Michael Rosenberger, WSBA #17730

11 Attorneys for Defendants

12 The Corporation of the President of the Church
13 of Jesus Christ of Latter-Day Saints
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07 FEB 09 PM 12:58

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 06-2-09825-1 SEA

CLERK'S MINUTES

SCOMIS CODE: SMJHRG

Judge: William L. Downing
Bailiff: None
Clerk: Debra Bailey Trail
Reporter: None

Dept. 43
Date: 2/9/2007

Page 1 of 1

KING COUNTY CAUSE NO.: 06-2-09825-1 SEA

Rob Rinde, f/k/a vs Corp Of Pres. of Latter Day Saints et al

Appearances:

Plntf counsel, Timothy Kosnoff, appearing by phone.
Deft Corp appearing by co-counsel, Michael Rosenberger and Jeff Tilden.

MINUTE ENTRY

Deft Corp motion to dismiss - Granted.

Order to be presented.

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2007 FEB 13 PM 4:21

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
WASHINGTON**

ROB RINDE F/K/A ROBERT LARRY LEROY
PITSOR, JR.
Plaintiff/Petitioner

Cause #: 06-2-09825-1
SEA

vs.
THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, A UTAH
CORPORATION SOLE, AKA THE "MORMON
CHURCH" THE CHURCH OF
JESUS CHRIST OF LATTER-DAY SAINTS,
AN UNINCORPORATED ASSOCIATION
Defendant/Respondent

Declaration of Service of:

SUBPOENA DUCES TECUM TO BELLEVUE SCHOOL
DISTRICT, 1211 N.E. FIRST STREET, BELLEVUE, WA
98005; \$30.00 WITNESS FEE CHECK

Hearing Date: Mar 5 2007

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

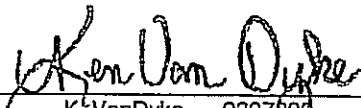
On the date and time of Feb 12 2007 10:54AM at the address of 12111 NE FIRST ST BELLEVUE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon BELLEVUE SCHOOL DISTRICT - RECORDS CUSTODIAN by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with SHARON SWENSON HOWARD, GENERAL COUNSEL.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: February 13, 2007 at Seattle, WA

by


K. VanDyke 0307890

Service Fee Total: \$ 49.60



FILED
KING COUNTY
FEB 15 2007
SUPERIOR COURT
BY DEBRA BAILEY TRAE
DEPUTY

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS AND/OR FOR SUMMARY
JUDGMENT

THIS MATTER was brought before the Court upon the motion of defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints ("COP") to dismiss and/or for summary judgment seeking dismissal of defendant The Church of Jesus Christ of Latter-day Saints ("the Church"). The Court heard the arguments of counsel on February 9, 2007, and has considered the following submissions:

1. COP's Motion to Dismiss;

ORDER - 1

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2. Declaration of Michael Rosenberger and attached exhibits;
3. Declaration of Paul Rytting;
4. Plaintiff's Opposition Brief;
5. COP's Reply Brief;
6. Plaintiff's Memorandum in Opposition;
7. Declaration of Michelle A. Menely;
8. Reply Brief in Support of Motion to Dismiss; and
9. Second Declaration of Paul Rytting.

Based upon the foregoing, it is hereby:

ORDERED that the motion is GRANTED, subject to the following provisos.

First, to allow plaintiff the opportunity to move to amend the complaint to name Gordon Conger as a party defendant, the case shall not be removed to federal court until after the Motion to Amend is filed and ruled upon; provided, however, the defendant shall have the right to remove if no ruling is issued on or before March 19, 2007. Plaintiff shall file the Motion to Amend no later than 14 days after the date of the hearing, e.g., by no later than February 23, 2007 and plaintiff shall note the motion for hearing, without oral argument, for six (6) court days after filing, and in no event later than March 5, 2007.

Second, in granting the motion, the Court specifically notes and rules as follows:

1. The Mormon Church, itself, is dismissed as a defendant. However, any person who would otherwise be an agent of the Church is an agent of COP.
2. The Court will be liberal in considering statements and admission by agents of the Church as statements and admissions against COP;

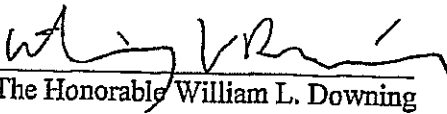
ORDER - 2

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1 3. Any agent of the Church is an agent of COP for both liability and evidentiary
2 purposes.
3

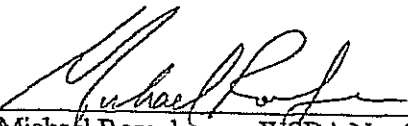
4 4. The Mormon Church will not be an "empty chair" entity in this case.
5

6 DATED this 13 day of Feb., 2007.
7

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10 
11 The Honorable William L. Downing
12

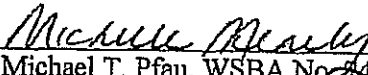
13 Presented By:

14 GORDON MURRAY TILDEN
15

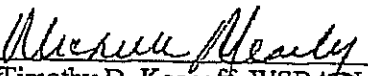
16
17 By 
18 Michael Rosenberger, WSBA No. 17730
19 Attorneys for Defendant
20
21

22
23 Approved as to form:

24 GORDON, THOMAS, HONEYWELL,
25 MALANCA, PETERSON & DAHEIM LLP
26

27
28 By 
29 Michael T. Pfau, WSBA No. 24649
30 Michelle A. Menely, WSBA No. 28353
31 Co-Counsel for Plaintiff
32

33 LAW OFFICES OF TIMOTHY D. KOSNOFF
34

35
36 By 
37 Timothy D. Kosnoff, WSBA No. 16586
38 Co-Counsel for Plaintiff
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ORDER - 3

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SEATTLE, WA

**SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF
WASHINGTON**

ROB RINDE F/K/A ROBERT LARRY LEROY
PITSOR, JR.

Plaintiff/Petitioner

Cause #: 06-2-09825-1
SEA

Declaration of Service of:

vs.
THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, A UTAH
CORPORATION SOLE, AKA THE "MORMON
CHURCH" THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, AN UNINCORPORATED
ASSOCIATION

SUBPOENA DUCES TECUM TO SHORELINE SCHOOL
DISTRICT, 18560 FIRST AVENUE N.E., SHORELINE, WA
98155; \$30.00 WITNESS FEE CHECK

Defendant/Respondent

Hearing Date: Mar 5 2007

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Feb 14 2007 4:07PM at the address of 18560 FIRST AVE NE SHORELINE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon SHORELINE SCHOOL DISTRICT - RECORDS CUSTODIAN by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with CRAIG DEGGINGER, PUBLIC INFORMATION OFFICER 47 W/M 5'6" 160# BROWN HAIR

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: February 20, 2007 at Seattle, WA

by 
T. Peterson

Service Fee Total: \$ 55.30



FILED

2007 FEB 23 PM 4:07

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KINGROB RINDE f/k/a, ROBERT LARRY LEROY PITSOR,
JR.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS,

Defendant.

NO. 06-2-09825-1SEA
NOTICE FOR HEARING
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)

TO: THE CLERK OF THE COURT and to all other parties listed on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the
Clerk is directed to note this issue on the calendar checked below.

Calendar Date: March 5, 2007

Day of Week: Monday

Nature of Motion: Motion to Amend Plaintiff's Amended Complaint

CASES ASSIGNED TO INDIVIDUAL JUDGES - Seattle

If oral argument on the motion is allowed (LR 7(b)(2)), contact staff of assigned judge to schedule date and time
before filing this notice. Working Papers: The judge's name, date and time of hearing must be noted in the upper
right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203.

☒ Without oral argument (Mon - Fri)☐ With oral argument Hearing

Date/Time: _____

Judge's Name: Judge William Downing

Trial Date: 9/4/07

CHIEF CRIMINAL DEPARTMENT - Seattle in E1201

☐ Bond Forfeiture 3:15 pm, 2nd Thur of each month

☐ Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts)
3:30 First Tues of each month

CHIEF CIVIL DEPARTMENT - Seattle -- (Please report to E713 for assignment)

Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil
Department" or judge's name and date of hearing

☐ Extraordinary Writs (Show Cause Hearing) (LR 98.40) 1:30 p.m. Tues/Wed -report to Room E713☐ Supplemental Proceedings

(1:30 pm Tues/Wed)(LR 69)

☐ DOL Stays 1:30 pm Tues/Wed

☐ Motions to Consolidate with multiple judges assigned
(without oral argument) (LR 40(a)(4))

Non-Assigned Cases:

☐ Non-Dispositive Motions M-F (without oral argument).☐ Dispositive Motions and Revisions (1:30 pm Tues/Wed)

☐ Certificates of Rehabilitation (Employment) 1:30 pm
Tues/Wed (LR 40(2)(B))

You may list an address that is not your residential address where you agree to accept legal documents.

Sign: Nonne, Melissa 35322 Print/Type Name: Michelle Menely

WSBA # 28353 (if attorney)

Attorney for: Plaintiffs

Address: 600 University, Ste. 2100

City, State, Zip Seattle, WA 98101

Telephone: 206-676-7500

Date: February 1, 2007

NOTICE FOR HEARING - Seattle Courthouse Only

Page 1

ICSEA040502

www.metrokc.gov/kcsccl/forms.htm

ORIGINAL

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Charles C. Gordon
 Service Address: 1001 Fourth Ave., Ste 4000
 City, State, Zip Seattle, WA 98154
 WSBA# Atty For: Defendants.
 Telephone #: 206-467-6477

Name_____
 Service Address:_____
 City, State, Zip_____
 WSBA#11042
 Telephone #: _____

Name_____
 Service Address_____
 City, State, Zip_____
 WSBA#_____
 Atty For_____
 Telephone #: _____

Name_____
 Service Address:_____
 City, State, Zip_____
 WSBA#_____
 Atty For:_____
 Telephone #: _____

Name_____
 Service Address:_____
 City, State, Zip_____
 WSBA#_____
 Atty For:_____
 Telephone #: _____

Name_____
 Service Address:_____
 City, State, Zip_____
 WSBA#_____
 Atty For:_____
 Telephone #: _____

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.

FILED

2007 FEB 23 PM 4:07

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole.

Defendant.

NO. 06-2-09825-1 SEA

MOTION TO AMEND PLAINTIFF'S
AMENDED COMPLAINT

NOTED FOR: MARCH 5, 2007
WITHOUT ORAL ARGUMENT

THE HONORABLE WILLIAM L. DOWNING

COMES NOW Plaintiff Rob Rinde by and through his attorneys of record, and moves this Court to grant this Motion to Amend Plaintiff's Amended Complaint ("Complaint") in order to add an additional liable party and because justice so requires.

I. INTRODUCTION

This case involves childhood sexual abuse which was inflicted upon plaintiff Rob Rinde.¹ The claim arises out of the brutal victimization of Rob when he was twelve years old by Paul H. Lewis ("Lewis"), a Mormon Church Scoutmaster and Melchisedek priest.² Among

¹ See Amended Complaint on file herein.

² Menely Decl. Exhibit A at 45:5-17.

MOTION TO AMEND COMPLAINT--1 of 8

06-2-09825-1 SEA
[175712 v14.doc]

LAW OFFICES
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PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

ORIGINAL

1
2 other things, Lewis sodomized Rob, beat and choked him and forced a wire coat hanger up
3 his penis, inflicting permanent injury to his urogenital system.³ When Rob was approximately
4 thirteen years old, he and his mother, Ms. Anne Rinde, disclosed the abuse to civil authorities
5 and to Gordon Conger ("Conger").⁴ However instead of helping Rob or his mother, as they
6 requested, Conger pressured plaintiff to recant his complaint against Lewis in order to shield
7 the Mormon Church from scandal and civil liability.⁵ Additionally, Conger failed to take tell
8 anyone or to any action or steps to help or protect Rob.⁶
9

10 Plaintiff respectfully moves this Court to grant this Motion to Amend Complaint on
11 the grounds that the amendment is necessary to add an additional liable party and because
12 justice so requires. Specifically, amending the Complaint allows plaintiff to pursue claims
13 against Conger, individually, for intentional infliction of emotional distress, civil conspiracy,
14 fraudulent concealment, and negligence.

15 II. STATEMENT OF RELEVANT FACTS

16 During the approximate time period of 1981-1982, Lewis held positions of authority
17 within the Mormon Church, including Scoutmaster⁷ and Mormon Melchesidek Priest.⁸ Prior
18 to the Mormon Church placing Lewis in the positions of Scoutmaster and Priest, Lewis was
19 virtually unknown to the Church, as his military career made him a transient with no ties or
20

21 ³ See Amended Complaint on file herein.

22 ⁴ *Id.*; Menely Decl. Exhibit A at 56:5-57:11.

23 ⁵ See Amended Complaint on file herein.

24 ⁶ Menely Decl. Exhibit B at 41:16 – 43:1.

25 ⁷ The Mormon Church is closely affiliated with the Boy Scouts of America. The Mormon Church is the oldest
26 and one of the largest sponsoring organizations of boy scouting in the United States. Since 1913, the Mormon
Church has used the Scouting program as an integral part of its ministry to boys and young men. Scouting is the
exclusive youth activity for males in the Mormon Church. In fact, it is the Mormon Church who designates the
scoutmaster. Menely Decl. Exhibit B 17:11-12.

⁸ See Amended Complaint on file herein.

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2 history in the community.⁹ During that same time period, Lewis groomed, molested, raped,
3 and sadistically tortured Rob Rinde.¹⁰

4 In approximately 1984 or 1985, Rob Rinde disclosed the abuse to his mother (Anne
5 Rinde) who, in turn, reported the abuse to the civil authorities and to Gordon Conger, a
6 Mormon Church member with a special relationship to plaintiff and his mother.¹¹ Anne
7 Rinde has testified that she turned to Conger because she "trusted him; completely, totally,
8 absolutely trusted him."¹² Conger earned Anne Rinde's trust through his role as her home
9 teacher.¹³ In the framework of the Mormon Church, a home teacher is assigned to a family
10 within the Mormon Church to contact the family, at a minimum of once per month,¹⁴ and
11 teach scripture and become a friend and mentor to the family.¹⁵ "As home teachers are called
12 to work directly with families, they are often in a better position to help these family members
13 than are other Church officers or teachers."¹⁶ "As a result, home teaching is one of the most
14 effective ways the Latter-day Saints manifest their commitment to 'bear one another's
15 burdens, that they may be light; ... mourn with those that mourn; yea, and comfort those that
16 stand in need of comfort, and stand as witnesses of God.'"¹⁷

17
18
19
20 ⁹ See Amended Complaint on file herein.

21 ¹⁰ See Amended Complaint on file herein. At all relevant time periods, Mr. Rinde was a member of the Mormon
22 Church, including the Seattle and Bellevue Wards of the Mormon Church.

23 ¹¹ Menely Decl. Exhibit A at 56:5-57-11;

24 ¹² Menely Decl. Exhibit A at 58:10-13.

25 ¹³ Menely Decl. Exhibit A at 34:20-35:25; 84:19-23.

26 ¹⁴ Due to Ms. Rinde's poor health, Conger visited the Rinde home at least twice a week. Menely Decl. at Exhibit
A 37:1-2.

¹⁵ Menely Decl. Exhibit A at 34:20-39:12; Menely Decl. Exhibit B at 50:23-24.

¹⁶ Menely Decl. Exhibit C at 136.

¹⁷ *Id.*

MOTION TO AMEND COMPLAINT - 3 of 8

06-2-09825-1 SEA
[175712 v14.doc]

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Through his role as a home teacher, Conger became a close friend and confidant to the Rinde family.¹⁸ Conger quickly became aware that Ms. Rinde's poor health affected the family to the extent that the family had "lots of needs."¹⁹ In fact, Anne Rinde has testified that prior to the time she was scheduled for a major surgery that she grew concerned about the welfare of her children and that she discussed those concerns with Conger.²⁰ Ms. Rinde further testified that as a result of those concerns Conger personally agreed to take custody of Rob Rinde (and arranged for others to other take custodial care of the other children) in the event that Anne's surgery was not successful.²¹

Due to the close, trusting relationship between Conger and the Rinde family, Conger was the individual from whom Anne Rinde sought assistance during the criminal investigation that ensued following the disclosure of Lewis' rape of Rob.²² In addition to being her home teacher, Ms. Rinde was aware that Conger was a lawyer.²³ Accordingly, when a meeting was scheduled between a King County Prosecuting Attorney and Rob, Anne immediately called Conger and asked him to handle the meeting.²⁴ Conger agreed to accompany Rob to the appointment.²⁵ When asking Conger to handle this matter, Anne Rinde believed that "he stood *in loco parentis* for Robert, and [she] expected him to behave as such."²⁶

¹⁸ Menely Decl. Exhibit A at 84:19-23.

¹⁹ Menely Decl. Exhibit B at 48:21-49:25.

²⁰ Menely Decl. Exhibit A at 38:17-39:18; 39:15-40:21.

²¹ *Id.*

²² Menely Decl. Exhibit A 58:10-13.

²³ Menely Decl. Exhibit A 58:10-13.

²⁴ *Id.*

²⁵ Menely Decl. Exhibit A 58:17-18.

²⁶ Menely Decl. Exhibit A 91:10-12; Menely Decl. Exhibit D 68:20-23.

MOTION TO AMEND COMPLAINT - 4 of 8

06-2-09825-1 SEA
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1
2 Plaintiff believes that the evidence in this matter will demonstrate that instead of
3 taking care of the situation (as he agreed to do), Conger did the unimaginable: He instructed
4 Rob not to talk about the abuse to anyone, including his own mother.²⁷ Plaintiff believes that
5 the testimony will additionally demonstrate that Conger would not permit the prosecutor to
6 speak with Rob without Conger's presence, telling the prosecutor that he stood in the place of
7 a parent and would stay with him during the questioning.²⁸
8

9 III. ARGUMENT

10 A. Pursuant to CR 15(b), this Court should grant Plaintiff's Motion to Amend 11 Complaint to allow plaintiff to add an additional liable party.

12 A motion to amend a complaint may be made upon motion of any party at any time.
13 CR 15(b). Motions to amend pleadings to conform to the proof are addressed to the sound
14 discretion of the trial court. *Dimoff v. Ernie Mayer, Inc.*, 55 Wn.2d 385, 347 P.2d 1056
15 (1960). The case law interpreting CR 15 provides that the rule should be liberally construed
16 and that amendments should be allowed when the opposing party will be put to no
17 disadvantage by the amendment. *O'Kelly v. Sali*, 67 Wn.2d 296, 298, 407 P.2d 467 (1965);
18 *Lind v. Fick*, 15 Wn. App. 614, 550 P.2d 709 (1976); *Grant v. Morris*, 7 Wn. App. 134, 498
19 P.2d 336 (1972).

20 This Court should allow plaintiff's to amend the complaint to add Gordon Conger as a
21 party defendant because the evidence demonstrates that Conger, both as an individual and as
22 an agent of COP, is liable in negligence and for the tort of outrage as a result of his conduct
23 and communications (or lack thereof) with and pertaining to Rob Rinde.
24

25 ²⁷ Menely Decl. Exhibit D 69:18-23.

26 ²⁸ Menely Decl. Exhibit D 111:2-6.

1
2 Anne Rinde believed, through her close relationship with Conger, that Conger was
3 acting *in loco parentis* in caring for Rob Rinde. Conger agreed to help, but failed to do so. In
4 addition to instructing Rob Rinde not to talk about the rape to anyone, including his own
5 mother, Conger failed to obtain any help for Rob, thereby increasing Rob's damages. In fact,
6 while Conger took no action to protect or assist Rob Rinde (as he was asked to do), Conger
7 affirmatively took action to shield the Mormon Church from scandal and civil liability.
8

9 To the extent that Gordon Conger obstructed the reporting of the sexual abuse of
10 minor plaintiff to appropriate authorities, and, moreover, encouraged Rob Rinde to recant the
11 reporting of the sexual abuse to the authorities in order to save the Mormon Church from
12 scandal and embarrassment, plaintiff has a claim for such negligence and conspiracy against
13 Gordon Conger. Hence, granting this Motion to Amend Complaint to add Conger as a party
14 defendant should be granted.

15 **B. Pursuant to CR 15(a), this Court should grant Plaintiff's Motion to Amend**
16 **Complaint because justice so requires.**

17 CR 15(a) provides that after a responsive pleading has been filed, the plaintiff may
18 amend his complaint only by leave of the court, *which shall be freely given*, when justice so
19 requires, or with the written consent of the adverse party. CR 15 (emphasis added). Pursuant
20 to CR 15(a), this Court should grant plaintiff leave to amend his Complaint, as justice so
21 requires. CR 15(a); *Quackenbush v. State*, 72 Wn.2d 670, 434 P.2d 736 (1967). Motions to
22 amend should be freely granted unless the opposing party would be prejudiced. *Id.* If no
23 prejudice is evident, an amendment may be granted even after substantial delay. *Caruso v.*
24 *Local Union No. 690, Intern. Broth. of Teamsters*, 100 Wn.2d 343, 670 P.2d 240 (1983).
25
26

MOTION TO AMEND COMPLAINT - 6 of 8

06-2-09825-1 SEA
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Here, justice requires that this Court grant Plaintiff's Motion amend Complaint in order to allow plaintiff the opportunity to plead claims against Gordon Conger. At all relevant time periods, Conger had special relationship with Rob Rinde. Once he undertook to help Mr. Rinde, he had a duty to act as a reasonable person, which duty was breached in the circumstances of this case.

Finally, no party will be prejudiced by the amendment. The trial date is over seven months away, and discovery is in its infancy. Defendants have ample time to prepare a defense to the claim. Alternatively, to the extent either defendant seeks a delay in the trial date, plaintiff would have no objection.

IV. CONCLUSION

For the reasons stated herein, Plaintiff respectfully requests that this Court this Motion to Amend Complaint. Attached to the Menely Declaration at Exhibit E is a Copy of the Proposed Second Amended Complaint.

RESPECTFULLY SUBMITTED this 23rd day of February 2007.

GORDON, THOMAS, HONEYWELL,
MALANCA, PETERSON & DAHEIM LLP

By Michael T. Pfau
Michael T. Pfau, WSBA No. 24649
mpfau@gth-law.com
Michelle A. Menely, WSBA No. 28353
mmenely@gth-law.com
Co-Counsel for Plaintiff

LAW OFFICES OF TIMOTHY D. KOSNOFF

By Timothy D. Kosnoff
Timothy D. Kosnoff, WSBA No. 16586
timkosnoff@comcast.net
Co-Counsel for Plaintiff

CERTIFICATE OF SERVICE

COMES NOW Fara Fusaro and declares:

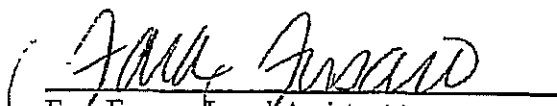
1. I am employed at the law office of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP.;

2. On February 23, 2007, I served true and correct copies of the foregoing via ABC Legal Messengers (or other method indicated below) by directing delivery to and addressed to the following:

Counsel for Defendant COP
Charles C. Gordon, Esq.
Michael R. Rosenberger, Esq.
GORDON MURRAY TILDEN
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone: 206.467.6477
Fax: 206.462.6292

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED this 23rd day of February, 2007 at Seattle, Washington.


Fara Fusaro, Legal Assistant to
Michelle A. Menely

FILED

2007 FEB 23 PM 4:07

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole,

Defendants.

NO. 06-2-09825-1 SEA

DECLARATION OF MICHELLE A.
MENELY IN SUPPORT OF MOTION TO
AMEND PLAINTIFF'S AMENDED
COMPLAINT

NOTED FOR: MARCH 5, 2007
WITHOUT ORAL ARGUMENT

THE HONORABLE WILLIAM L. DOWNING

I, Michelle A. Menely, hereby certify and declare as follows:

1. I am one of the attorneys for Plaintiff Rob Rinde f/k/a Larry Leroy Pitsor, Jr., in this action. I have personal knowledge of and am competent to testify to the facts set forth below.

2. Attached as Exhibit A are relevant portions of the transcript of the Videotaped Perpetuation Deposition of Anne Rinde, taken on July 20, 2006.

3. Attached as Exhibit B are relevant portions of the deposition transcript of Gordon Conger, taken on February 15, 2007.

MENELY DECL. IN SUPP. OF PLTF MTN TO AMEND COMPL. - 1 of 3

06-2-09825-1 SEA
[175715 v8.doc]

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ORIGINAL

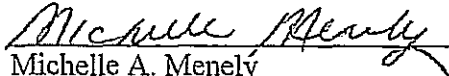
1
2 4. Attached as Exhibit C is the relevant portion of an article on the Mormon Church
3 titled "Home Teaching."

4 5. Attached as Exhibit D are relevant portions of the Videotaped Deposition of
5 Anne Rinde, taken on July 19, 2006.

6 6. Attached as Exhibit E is Plaintiff's Proposed Second Amended Complaint.

7 I declare under penalty of perjury under the laws of the State of Washington that the
8 above is true and correct.

9 Dated this 20th day of February, 2007 at Seattle, Washington

10
11 
12 Michelle A. Menely
13
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MENELY DECL. IN SUPP. OF PLTF MTN TO AMEND COMPL. - 2 of 3

06-2-09825-1 SEA
[175715 v8.doc]

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(206) 676-7500 • FACSIMILE (206) 676-7575

CERTIFICATE OF SERVICE

COMES NOW Fara Fusaro and declares:


1. I am employed at the law office of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP.;

2. On February 23, 2007, I served true and correct copies of the foregoing via ABC Legal Messengers (or other method indicated below) by directing delivery to and addressed to the following:

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GORDON MURRAY TILDEN
1001 Fourth Avenue, Suite 4000
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I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED this 23rd day of February, 2007 at Seattle, Washington.


Fara Fusaro, Legal Assistant to
Michelle A. Menely

MENELY DECL. IN SUPP. OF PLTF MTN TO AMEND COMPL. - 3 of 3

06-2-09825-1 SEA
[175715 v8.doc]

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EXHIBIT A

Rob Rinde, et al. vs The Corporation Of The President Of The Church Of Jesus Christ Of Latter-Day Saints, et al. 7/20/06

Page 1

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROE RINDE, f/k/a ROBERT
LARRY LEROY PITSOR, JR.,

Plaintiff,

vs.

No. 06-2-09825-1SEA

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, aka the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendant.

VIDEOTAPED PERPETUATION DEPOSITION

The following is the videotaped perpetuation
deposition of ANNE RINDE, taken before Jenelle K.
Lundgren, Notary Public, pursuant to Notice of Taking
Deposition, at 500 North Franklin Street, Glenwood,
Minnesota, commencing at 9:00 a.m., Wednesday, July
20, 2006.

* * *

Pat Carl & Associates (763) 591-0535 or (800) 591-9PCA (722)

1336e45f-1e84-465d-89a3-1a03830e0425

Rob Rinde, et al. vs The Corporation Of The President Of The Church Of Jesus Christ Of Latter-Day Saints, et al. 7/20/06

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of the Plaintiff:</p> <p>4 John Schulz, Esquire</p> <p>5 MCGRANN, SHEA,</p> <p>6 ANDERSON, CARNIVAL</p> <p>7 800 Nicoletti Mall</p> <p>8 Suite 2600</p> <p>9 Minneapolis, Minnesota 55402</p> <p>10 Phone: (612) 338-2525</p> <p>11 e-mail: jrs@mcgrannshea.com</p> <p>12</p> <p>13 On Behalf of the Defendant:</p> <p>14 Charles Gordon, Esquire</p> <p>15 GORDON MURRAY TILDEN, LLP</p> <p>16 1001 Fourth Avenue</p> <p>17 Suite 4000</p> <p>18 Seattle, Washington 98154-1007</p> <p>19 Phone: (206) 467-6477</p> <p>20 e-mail: cgordon@gmtlaw.com</p> <p>21</p> <p>22 Also Present:</p> <p>23 Don Carl, videographer</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon, the videotaped deposition of ANNE</p> <p>3 RINDE was commenced at 9:20 a.m. as follows:</p> <p>4</p> <p>5 THE VIDEOGRAPHER: This is the video</p> <p>6 operator speaking, Don Carl of Pat Carl & Associates.</p> <p>7 Today is Thursday, July 20th in the year 2006. The</p> <p>8 time is now approximately 9:30 a.m. We're at Glenwood</p> <p>9 Estates, 500 Franklin Street North, Glenwood,</p> <p>10 Minnesota. This is the perpetuation of the testimony</p> <p>11 of Ms. Anne Rinde. Will counsel please voice identify</p> <p>12 themselves for the video record?</p> <p>13 MR. SCHULZ: This is John Schulz,</p> <p>14 S C H U L Z, local counsel for Rob Rinde in this</p> <p>15 matter.</p> <p>16 MR. GORDON: My name is Charles Gordon,</p> <p>17 and my law firm is counsel of record for The Church of</p> <p>18 Jesus Christ of Latter-Day Saints, the defendants in</p> <p>19 this matter.</p> <p>20 THE VIDEOGRAPHER: Would the court</p> <p>21 reporter please administrator the oath?</p> <p>22</p> <p>23 ANNE RINDE,</p> <p>24 after having been first duly sworn,</p> <p>25 deposes and says under oath as follows:</p>
<p style="text-align: right;">Page 3</p> <p>1 DEPOSITION REFERENCE INDEX</p> <p>2</p> <p>3 EXAMINATION:</p> <p>4 By Mr. Schulz: 5, 87</p> <p>5 By Mr. Gordon: 78, 92</p> <p>6</p> <p>7 OBJECTIONS:</p> <p>8 By Mr. Gordon: 39, 41, 49, 55, 65, 74, 76, 77, 87,</p> <p>9 90, 91</p> <p>10 By Mr. Schulz: 93</p> <p>11</p> <p>12 EXHIBIT REFERENCE INDEX</p> <p>13 None.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 ***</p> <p>2</p> <p>3 THE VIDEOGRAPHER: You may begin.</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MR. SCHULZ:</p> <p>7 Q. Thank you. Good morning, Mrs. Rinde.</p> <p>8 A. Good morning.</p> <p>9 MR. SCHULZ: One issue for the record,</p> <p>10 and this is between counsel and it doesn't involve you</p> <p>11 at this point, there has been some discussion about</p> <p>12 whether the deposition testimony you – that was taken</p> <p>13 of you yesterday would be used in lieu of</p> <p>14 cross-examination today at the trial of this matter.</p> <p>15 There is, at this time, not agreement between counsel</p> <p>16 in this matter. I understand Mr. Gordon has made his</p> <p>17 position or stated his position on this matter, but I</p> <p>18 simply wish to state that for the record. That may</p> <p>19 need to be dealt with between Seattle counsel for Mr.</p> <p>20 Rinde as well as Mr. Gordon.</p> <p>21 MR. GORDON: Well, let me put my</p> <p>22 statement on the record there. This deposition was</p> <p>23 duly noted for two days by each party. Counsel was</p> <p>24 here yesterday during my examination. It's in</p> <p>25 accordance with the civil rules for the Superior Court</p>

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<p>1 A. Right.</p> <p>2 Q. Okay. By the children?</p> <p>3 A. Right.</p> <p>4 Q. And by Rob?</p> <p>5 A. And by Rob. And Rob worked a lot of</p> <p>6 weekends for the Relief Society's warehouse. That's</p> <p>7 where they kept the groceries and stuff like that. He</p> <p>8 would go out there and clean. If they were canning</p> <p>9 any particular item that week, he would help with</p> <p>10 canning.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, that kid almost never had a</p> <p>13 weekend to himself.</p> <p>14 Q. Okay.</p> <p>15 A. He worked all the time.</p> <p>16 Q. With the church?</p> <p>17 A. (Nodding head).</p> <p>18 Q. Is that a yes?</p> <p>19 A. Yes, I'm sorry.</p> <p>20 Q. That's fine. In the LDS Church</p> <p>21 framework, Mrs. Rinde, was the family assigned someone</p> <p>22 who was known as a home teacher?</p> <p>23 A. Yes.</p> <p>24 Q. And why don't you describe what that</p> <p>25 role is.</p>	<p>1 Q. All right.</p> <p>2 A. In the beginning, there was someone</p> <p>3 else who had been assigned to me who didn't like me,</p> <p>4 but his reason for not liking me was because I</p> <p>5 reminded him too much of his sister.</p> <p>6 Q. Okay. So --</p> <p>7 A. And he didn't fess up to it for a long</p> <p>8 time. He would tell people that I was fine when I was</p> <p>9 in the hospital because he didn't know, and things</p> <p>10 like that.</p> <p>11 Q. All right. At some point, there was a</p> <p>12 reassignment, and that individual that you were</p> <p>13 reassigned to was Gordon Conger?</p> <p>14 A. Oh, and he was really, really slapped,</p> <p>15 and I felt really, really bad about that. We cannot</p> <p>16 help who cannot stand. There are -- what do you call</p> <p>17 it -- things in our personalities from other people</p> <p>18 that just happen that we just don't like them because</p> <p>19 their eyes are brown or green or whatever. And I felt</p> <p>20 -- I always felt so bad, but I knew I couldn't even</p> <p>21 tell him how sorry I was because that would have</p> <p>22 offended him even more, so I just learned to keep my</p> <p>23 mouth shut.</p> <p>24 Q. So as a home teacher, Mr. Conger began</p> <p>25 having contact with the family?</p>
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<p>1 A. It's someone who comes out -- the home</p> <p>2 teacher is male. He usually has a partner. In fact,</p> <p>3 I've never known them not to have a partner. Quite</p> <p>4 often, it is their son, younger or older, makes no</p> <p>5 difference, as long as they are not children.</p> <p>6 Q. Okay.</p> <p>7 A. They come out and ask about how things</p> <p>8 are going, if you're having any financial problems, or</p> <p>9 any other kind of problems that they can help with,</p> <p>10 you know, how is your car running, that kind of stuff.</p> <p>11 Almost the kind of conversations you would have with a</p> <p>12 husband in that sense.</p> <p>13 Q. All right. And is there regular</p> <p>14 contact with-</p> <p>15 A. Yeah. I was once -- well, I would say</p> <p>16 at least -- it's supposed to be once a month, but when</p> <p>17 you were as dependent as we were towards the end</p> <p>18 there, when I was so sick on and off, it became more</p> <p>19 often, more like every other week.</p> <p>20 Q. In Bellevue, when you lived there with</p> <p>21 the family, did you have a home teacher assigned to</p> <p>22 you?</p> <p>23 A. Yes.</p> <p>24 Q. And who was that?</p> <p>25 A. Gordon Conger. Not in the beginning.</p>	<p>1 A. Oh, yeah. He was there at least twice</p> <p>2 a week, I would hazard.</p> <p>3 Q. And what type of things did he do or</p> <p>4 what type of discussions did you have?</p> <p>5 A. The same, like I said. You know, he</p> <p>6 would ask about how was automobiles, bills that I</p> <p>7 couldn't handle, how were the kids? If he didn't</p> <p>8 think their shoes were up to snuff, he would tell me</p> <p>9 so and then they'd get an order for me to go to the</p> <p>10 church store to get them shoes or socks or whatever.</p> <p>11 Q. All right.</p> <p>12 A. You know.</p> <p>13 Q. Aside from Gordon Conger coming --</p> <p>14 A. And he had religious duties, too.</p> <p>15 Q. Okay. What was --</p> <p>16 A. He had lessons to teach me from</p> <p>17 whatever was on the hierarchy list at that time.</p> <p>18 There was no liturgical one, two, three kind of thing</p> <p>19 to Mormon liturgy because there really isn't Mormon</p> <p>20 liturgy in that sense. There's a lot of Mormon</p> <p>21 liturgy, just not in that sense.</p> <p>22 Q. Okay. So what you're saying is</p> <p>23 whatever was being taught in the ward at that time</p> <p>24 would be brought to you in the home as well?</p> <p>25 A. Yes.</p>

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<p>1 Q. Is that what you're saying?</p> <p>2 A. Yep.</p> <p>3 Q. Okay. Aside from the contact that</p> <p>4 you've described with Gordon Conger with you, did he</p> <p>5 have contact with your children, and particularly Rob</p> <p>6 Rinde?</p> <p>7 A. Oh, yeah. He would take Rob home once</p> <p>8 in a while and -- because he and Bradley would be</p> <p>9 going somewhere, and he knew we couldn't afford it.</p> <p>10 They'd be going to a baseball game or basketball game</p> <p>11 or something. I think he took him skiing more than</p> <p>12 once.</p> <p>13 Q. Okay.</p> <p>14 A. I can't think much else. I'm sure</p> <p>15 there were many other instances, but off the top of my</p> <p>16 head, that's all I can think of.</p> <p>17 Q. Did Mr. Conger have any legal role with</p> <p>18 Rob and your other children?</p> <p>19 A. Oh, yes, he did. I became very, very</p> <p>20 ill. I was to have a surgery, bypass surgery, in</p> <p>21 1986, I believe. I'm not sure when exactly. And I</p> <p>22 needed to settle the boys -- the question of the boys'</p> <p>23 custody, and I talked to Gordon. I knew he was an</p> <p>24 attorney. And I said I need this -- I need to get my</p> <p>25 will up to snuff. He asked me about the will. And I</p>	<p>1 A. Yes, it was.</p> <p>2 Q. And did you put it in written form?</p> <p>3 A. No.</p> <p>4 Q. Who did?</p> <p>5 A. I believe Jane Glandon did.</p> <p>6 Q. Who is Jane Glandon?</p> <p>7 A. Gordon's private secretary.</p> <p>8 Q. And was she a member of the church?</p> <p>9 A. Yes, oddly enough, she was.</p> <p>10 Q. Of your ward?</p> <p>11 A. Yes.</p> <p>12 Q. And that was all signed by you?</p> <p>13 A. Yes.</p> <p>14 Q. Before you had your surgery?</p> <p>15 A. Yes. Jane brought it, I believe, the</p> <p>16 next weekend, and she and I adjourned to the same</p> <p>17 room, and I signed the papers. She gave me a copy.</p> <p>18 Do not ask me where they are; house fire.</p> <p>19 Q. Okay.</p> <p>20 A. And then she took a copy back to the</p> <p>21 office.</p> <p>22 Q. Okay. After your surgery, you had the</p> <p>23 surgery and you survived and you moved forward;</p> <p>24 correct?</p> <p>25 A. Yes.</p>
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<p>1 said, well, I'm not worried about that. Whatever I've</p> <p>2 got anybody can have because I don't got nothing. But</p> <p>3 he said I am worried about my children's custody. And</p> <p>4 at that time, he volunteered to take Robert. And then</p> <p>5 he went -- we were in -- we were in a room at the</p> <p>6 church, him and I, talking about this after church or</p> <p>7 something. It might even have been one of those times</p> <p>8 when they had a dinner after church and everybody was</p> <p>9 doing that and Gordon wanted to speak to me for some</p> <p>10 reason. Anyway, the bishop came and the bishop said</p> <p>11 that he and Gordon would find permanent homes for the</p> <p>12 rest of the boys and that I should not worry.</p> <p>13 Q. Should something happen to you?</p> <p>14 A. Yes.</p> <p>15 Q. So the arrangement was that Gordon</p> <p>16 would take Rob and the bishop would find homes for the</p> <p>17 other boys?</p> <p>18 A. Right.</p> <p>19 MR. GORDON: Objection to the form;</p> <p>20 leading.</p> <p>21 BY MR. SCHULZ:</p> <p>22 Q. Is that what you're saying?</p> <p>23 A. Yes. I absolutely burst into tears, I</p> <p>24 remember that. I was so relieved.</p> <p>25 Q. Was that put in written form?</p>	<p>1 Q. All right. Did Mr. Conger's role as</p> <p>2 the home teacher of your family continue after that?</p> <p>3 A. Oh, yes.</p> <p>4 Q. And did his role and his involvement</p> <p>5 with the family continue in the same way that you've</p> <p>6 already described?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Did it become less or did</p> <p>9 it stay --</p> <p>10 A. No, it continued in the same way. He</p> <p>11 -- he always seemed very glad to see us. He still</p> <p>12 came and got Rob and did things, you know.</p> <p>13 Q. Okay. All right.</p> <p>14 A. I don't know what else.</p> <p>15 Q. Okay. I'm just trying to find out,</p> <p>16 Mrs. Rinde, to the best of your memory, the role that</p> <p>17 Mr. Conger as the home teacher had.</p> <p>18 MR. GORDON: Objection to the form.</p> <p>19 Move to strike the preamble.</p> <p>20 BY MR. SCHULZ:</p> <p>21 Q. Mrs. Rinde, let's go on to another</p> <p>22 area. Who is Paul Lewis?</p> <p>23 A. Paul Lewis, the first time I saw him,</p> <p>24 was leading the choir in Seattle 1st ward.</p> <p>25 Q. Okay.</p>

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1 A. Very short, very dark, very
2 persnickety. He was very fussy.

3 Q. He was a member of the church in
4 Seattle?

5 A. Oh, yeah. I was told later that same
6 day the first time I saw him that he was on duty in
7 some capacity with the Navy down at the -- down by the
8 old car lots, there is a small Naval area down there.
9 It's not a regular Naval base. I have no idea what it
10 was all about.

11 Q. Okay. Did you have contact with him --
12 did the family have contact with him after you first
13 met him?

14 A. Yeah, because Robert was, by that time,
15 Scout material.

16 Q. All right. What was Mr. Lewis's role,
17 as you understood it, with the church or with the
18 Scouts?

19 A. Well, I thought it was awfully odd that
20 he had so many jobs, but that was none of my business.

21 Q. Okay.

22 A. In general, I don't think the boys
23 liked him.

24 Q. What roles did he have or jobs did he
25 have?

1 little guys, but that was about the sum total.

2 Q. When you say he would help you with the
3 stuff for the little guys, what do you mean?

4 A. I got caught doing blue and gold
5 dinner.

6 Q. Okay.

7 A. We were supposed to be a whole
8 committee of people to do this and, of course,
9 everybody at the last minute just kind of fades into
10 the woodwork when it comes to that kind of work. And
11 I didn't realize it was going to be that bad, but it
12 was. But anyway, that's neither here nor there. We
13 got through it. And then he helped me several times
14 at the -- the day camp for the Cub Scouts.

15 Q. Okay.

16 A. Although my boys were considered the
17 absolute holy terrors of the day camp.

18 Q. Your younger boys?

19 A. Yeah. And I will admit they were hell
20 on earth.

21 Q. Okay.

22 A. They were -- I can't even explain it.
23 If anybody told me I had had kids like that, I would
24 have looked them and told them you're crazy, but they
25 wild, wild men.

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1 A. Well, he was the Scout Master and he
2 decided when was going -- what was going to happen and
3 when. And he was extremely abrupt, from what Rob
4 said, and sometimes would change his mind in the
5 middle of something, and he just was persnickety.

6 Q. Was the Scout organization or group
7 that Rob was a member of or participated in --

8 A. Yeah.

9 Q. -- connected with the church?

10 A. Yeah. Oh, my, yes.

11 Q. Okay.

12 A. That's the primary organization for
13 boys in the church of Jesus Christ of Latter-Day
14 Saints.

15 Q. And was Rob involved in this Scouting
16 organization in both Seattle and in Bellevue?

17 A. More in Bell -- more in Seattle than in
18 Bellevue.

19 Q. Okay.

20 A. After all of this happening that did
21 end up happening, he was -- what do you want to call
22 it -- leery, and he didn't want much more to do with
23 it.

24 Q. Okay.

25 A. He would help me with the stuff for the

1 Q. You had your challenges with them?

2 A. Yeah.

3 Q. All right.

4 A. That I did.

5 Q. Mrs. Rinde, aside from Paul Lewis being
6 involved in the Scouting program with your children,
7 what was your understanding of other roles he had with
8 the church when you were in Bellevue, if you know?

9 A. Well, I know he was -- like I said, he
10 was the choir director.

11 Q. Okay.

12 A. He was a member of the bishopric,
13 although in what exact capacity, I don't know.

14 Q. Okay.

15 A. Let me think. Just let me think a
16 second here. And I do believe he taught a mens'
17 Sunday school class, but I'm not sure.

18 Q. Okay. All right.

19 MR. GORDON: Counsel, I don't mean to
20 interrupt, but just to make this clarified, I think
21 the record is a little unclear whether he has those
22 positions in the Bellevue ward versus the Seattle
23 ward.

24 MR. SCHULZ: The question was Bellevue,
25 so --

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1 that comment; no question. Go ahead.

2 BY MR. SCHULZ:

3 Q. Mrs. Rinde, had Rob babysat for the
4 Lewis children before that?

5 A. Yeah.

6 Q. Okay.

7 A. He -- and it seemed to me it was he and
8 somebody else in the ward together.

9 Q. All right. So the night that you're
10 talking about, he was to go babysit the Lewis
11 children. What happened then?

12 A. They left my house, and I didn't hear
13 from them until they got back.

14 Q. Okay.

15 A. Robert looked like he had been shot.

16 Q. So what led you to believe something
17 happened?

18 A. He had no color in his face; none. He
19 was -- whatever had happened had wounded him to the
20 core. It's just like I said, he had been shot; that
21 was the look you got.

22 Q. Did you talk to him?

23 A. I tried to talk to him. He would not
24 talk to me. He kept -- like I'm doing here, he kept
25 wiggling and whatever. I'm doing it for one reason,

1 A. I waited for Rob to get home. The boys
2 got home first and I sent them out, gave them
3 something to eat and sent them out to play. And then
4 when Rob came home, I asked him to come down in the
5 bedroom, because I figured I could close the door if
6 the boys came in. They didn't have to hear everything
7 that was being said. And I asked him, and he waltzed
8 all around this, and I was under the impression right
9 at that moment he didn't remember much of anything,
10 either because he couldn't remember or because he just
11 didn't want to.

12 Q. Did he give you any details?

13 A. No, sir.

14 Q. Okay.

15 A. No.

16 Q. What did you do after that, Mrs. Rinde?

17 A. I was seeing Dr. Ichyana (phonetic) at
18 Group Health. This was when my daughter had been
19 killed. And he used to let me come into his office
20 once a week. He had two offices. He had one ordinary
21 people office, and then he had an office that was
22 pretty bare and basically only had two chairs in it,
23 and I could go in there and he'd close the doors and
24 he'd go away for 15 minutes, and I could scream myself
25 sick. And I needed to do that. I needed to be able

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1 he was trying to get away.

2 Q. Okay.

3 A. I did not know how much what had
4 happened. I assumed something quite large had
5 happened because of his behavior, and I knew better
6 than to push kids. They'll tell you when they'll tell
7 you as long as they get the feeling that you trust
8 them. And that's what I told him, I trust you to tell
9 me when you can, but please don't wait too long.

10 Q. At some time later, did you have
11 further conversation with Rob?

12 A. Oh, yes.

13 Q. What prompted that, if anything?

14 A. We had a very long, four-door closet
15 just off the living room in the hall, and I stored an
16 awful lot of stuff in there. I very seldom went in
17 there. It was mostly just storage. And I was looking
18 in there one morning for something or other and I
19 found his white jeans. These white jeans were so
20 soaked with blood that they could have stood on their
21 own. I cried. I'm not going to tell you I didn't.
22 Robert was not home. No one was home, just me. I
23 cried and then I pretty much knew without having to be
24 told much what had probably happened.

25 Q. What did you do next?

1 to blow it off.

2 Q. Okay.

3 A. And I did that, but I didn't do it for
4 very long this time because I was too worried. And
5 then he came back in and I told him, and he looked at
6 me. And this was when he made one of his mistakes
7 that he should have never made. He says, well, until
8 he'll talk, he says there's nothing we can do about
9 this. And what -- we should have done something to
10 have forced it, but we didn't.

11 Q. Did you do anything to follow up with
12 any third parties or people?

13 A. Just him, Ichyana.

14 Q. Did you report this after that?

15 A. Just Ichyana.

16 Q. Okay. Did you make any reports to the
17 church or to the police or --

18 A. I didn't know what to report. I had
19 not been told anything. What can I report when I have
20 nothing to say?

21 Q. Okay.

22 A. Beyond I had these pants; I had hid
23 them by now for fear that Robert would destroy them.

24 And --

25 Q. At some time later, did you have

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<p>1 additional conversations with Rob about this?</p> <p>2 A. Many, long time later as in years.</p> <p>3 Q. Okay.</p> <p>4 A. And that is after he had put himself in</p> <p>5 that place in New Orleans, Louisiana for mental help.</p> <p>6 And then he sent me -- well, he didn't send it to me.</p> <p>7 He had written all of this stuff down that had</p> <p>8 happened, and what he -- the white pants came into</p> <p>9 that. And then I knew more, but I still didn't know</p> <p>10 it all. I still don't know it all.</p> <p>11 Q. Okay. At some time after this happened</p> <p>12 in Washington, Mrs. Rinde, did you make any reports of</p> <p>13 this to Child Protective Services, to the church, to</p> <p>14 any officials in the church?</p> <p>15 A. Oh, yeah. Eventually I had done that,</p> <p>16 yes.</p> <p>17 Q. Okay. All right. Let's talk about</p> <p>18 that.</p> <p>19 A. I misunderstood what you said.</p> <p>20 Q. Okay.</p> <p>21 A. Go ahead.</p> <p>22 Q. What did you do to make reports on</p> <p>23 this --</p> <p>24 A. I had to figure out who I talked to</p> <p>25 first. Just a second here.</p>	<p>1 Q. The abuse of Rob.</p> <p>2 MR. GORDON: Do you have a time period,</p> <p>3 counsel, so --</p> <p>4 BY MR. SCHULZ:</p> <p>5 Q. After the abuse occurred, Mrs. Rinde.</p> <p>6 And if you can, describe as best you can when you had</p> <p>7 a conversation with church officials about Rob's</p> <p>8 abuse.</p> <p>9 A. I'm extremely tired and so I'm not</p> <p>10 quite there. I do know that when I found the white</p> <p>11 pants and I had confronted Rob and nothing was much</p> <p>12 conforming (sic), some, yes, I did. I called Bishop</p> <p>13 Nielson Seattle 1st ward, I believe. And then</p> <p>14 somebody or I said I have to talk to my social worker,</p> <p>15 so I went to see the social worker in Bellevue, since</p> <p>16 she was my current social worker. I didn't know what</p> <p>17 to do. So she told me to bring -- come to her and</p> <p>18 then they would decide. And okay, I went to her. I</p> <p>19 don't remember if I brought the pants with me or not.</p> <p>20 I'm inclined to think I would have, but I wouldn't bet</p> <p>21 on it. I took -- I went there, she told me I needed</p> <p>22 to talk to CPS. I said fine, where is CPS? And she</p> <p>23 told me around the corner, there is CPS. So I went to</p> <p>24 CPS and explained it to them what was going on. And</p> <p>25 she told me after the song and dance about her being</p>
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<p>1 Q. Do you need a break?</p> <p>2 A. Yeah, I think I do. I don't remember</p> <p>3 what I said, but it will come to me in a minute.</p> <p>4 THE VIDEOGRAPHER: Going off the video</p> <p>5 record. The time is now approximately 10:45 a.m.</p> <p>6 (A recess was taken.)</p> <p>7 THE VIDEOGRAPHER: We're back on the</p> <p>8 video record. The time is now approximately 10:55</p> <p>9 a.m.</p> <p>10 MR. SCHULZ: Perhaps it would be best</p> <p>11 if the court reporter could let Mrs. Rinde know of the</p> <p>12 last question.</p> <p>13 (Requested portion of the record</p> <p>14 was read by the reporter.)</p> <p>15 BY MR. SCHULZ:</p> <p>16 Q. All right. Mrs. Rinde --</p> <p>17 A. Is this -- excuse me.</p> <p>18 Q. What reporting, if any, did you do to</p> <p>19 church officers or to public officials?</p> <p>20 MR. GORDON: That's two questions;</p> <p>21 object to form.</p> <p>22 BY MR. SCHULZ:</p> <p>23 Q. Let's talk about church officials --</p> <p>24 well, let's talk about that first, Mrs. Rinde.</p> <p>25 A. In regards to?</p>	<p>1 black and my not remembering her and all that</p> <p>2 nonsense, she told me I had to go make a report at</p> <p>3 Issaquah, which was the next thing I did. I went to</p> <p>4 Iss -- I went to the police department or whatever you</p> <p>5 want to call it. It is the police department, but</p> <p>6 there's a place where you report things in Issaquah.</p> <p>7 We went there and I explained to them. To my</p> <p>8 knowledge, they may have those pants. Anyway, they</p> <p>9 said they would get in touch with me shortly and to go</p> <p>10 home and just not worry until they heard from me --</p> <p>11 until I had heard from them.</p> <p>12 Q. Did you hear back from the --</p> <p>13 A. Yes.</p> <p>14 Q. -- Issaquah Police Department?</p> <p>15 A. I did. And they said that they found a</p> <p>16 record of Paul Lewis being registered at that motel,</p> <p>17 and it was quite obvious that Robert had been there</p> <p>18 from the descriptions that he had given to them</p> <p>19 because they matched his descriptions and we had never</p> <p>20 been in that motel any -- ever. Anyway, that he was</p> <p>21 going to get in touch -- whoever I was talking to was</p> <p>22 going to get in touch with the county attorney and</p> <p>23 they would call me.</p> <p>24 Q. At some time, did you -- were you</p> <p>25 contacted by the county attorney?</p>

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<p>1 A. Yes, I was. They called and told me 2 that they wanted to meet with Robert and/or my 3 attorney and myself and -- and myself and/or my 4 attorney. I forget the exact wording. It was a 5 little ambiguous on that score. And so I got ahold of 6 Gordon, told him about it. 7 Q. When you say Gordon, do you mean Gordon 8 Conger? 9 A. Gordon Conger. And -- 10 Q. Why did you call Gordon? 11 A. Closest thing I had to a lawyer and a 12 husband, and I trusted him; completely, totally, 13 absolutely trusted him. 14 Q. And what did you say to Gordon and what 15 did he say to you about this, to the best of your 16 recollection? 17 A. He said I'll make the appointment and 18 I'll take him, and that's how it went. 19 Q. Did he take him? 20 A. (Nodding head). He took him, yes. 21 Q. Did he take him alone or with others? 22 A. No, there were two other people there. 23 Only Gordon came in the house that morning. 24 Q. How did you know there were two other 25 people?</p>	<p>1 Q. Were those his words? 2 A. Rob's words, yeah. 3 Q. At any time did he tell you anything 4 about that meeting during that time frame? 5 A. Every time I brought it up, he'd ask 6 me, please, don't. 7 Q. What was Rob's mood or demeanor when he 8 came back? 9 A. Quiet; extremely, extremely quiet. 10 Q. Okay. Did that change? 11 A. No, not for a long time. 12 Q. Okay. 13 A. He was pretty -- from that time on, 14 actually since the rape, he was pretty taciturn that 15 whole time. 16 Q. Okay. 17 A. He didn't have much to say. 18 Q. Now, Mrs. Rinde, you talked earlier 19 about your daughter being murdered. 20 A. Yes. 21 Q. How did that relate in time to these 22 issues that we've been talking about? 23 A. My daughter went missing in April, not 24 officially, but that's the last time I heard, so that 25 makes it official to me. It was later discovered that</p>
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<p>1 A. I could see them. 2 Q. In the car? 3 A. Yeah. My apartment was on the ground 4 floor and I had windows, like this, around the corner 5 and I could see. They were parked in front of the 6 side door, and I could see the car. I did -- could 7 not recognize the people in the car, but I recognized 8 that that was his car and there were people in it. 9 Q. When they came back, did you talk to 10 Gordon, either that same day or -- 11 A. Just for a few minutes, not for very 12 long. And he said it didn't seem like it was going to 13 be a very big deal. Not a big deal isn't the right 14 word. It didn't seem like it was going to be too -- 15 just a minute -- too difficult to handle, too painful, 16 that we would be able to manage it, take care of it. 17 Q. Did he give you any details of what had 18 happened? 19 A. No. 20 Q. Did you talk to Rob about what had 21 happened that day? 22 A. I did, and Rob told me he couldn't tell 23 me, mainly just in case he said something to the wrong 24 person, which threw me for a loop and a half, but I 25 thought --</p>	<p>1 it was actually closer to the 1st of May that she was 2 killed. This business with Lewis took place after 3 school vacation had started. 4 Q. In that same year? 5 A. Yes. 6 Q. All right. 7 A. Also, sometime during that summer -- 8 and I don't remember exactly the things, although I 9 could probably find out if I had to -- Robert was 10 diagnosed with possible cancer of the bone in both 11 lower legs. So it was just a little nuts at my house. 12 Q. And when did you learn of your 13 daughter's death that year? 14 A. For sure, as in they have a body now? 15 Q. Well, why don't you -- 16 A. December 20th, 19 -- let me think here. 17 I got to get the right date. Mark was six. Let me 18 think, let me think, let me think. It was December 19 20th. It was the day before Mark's 6th birthday. It 20 would have been '82, '83. '83, I think. 21 Q. Okay. You believe '82 or '83 -- 22 A. Yeah. 23 Q. -- to the best of your knowledge? 24 A. That's to the best of my knowledge. I 25 could find out for sure if I looked it up, but yeah,</p>

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1 again.

2 Q. All right. Did you see Paul Lewis
3 again in the church?4 A. No. I don't know what my reaction
5 would have been if I had.6 Q. Did Paul Lewis continue to be in the
7 church with the Boy Scouts after this?8 MR. GORDON: Objection; form and
9 foundation.10 THE DEPONENT: I had -- no, he
11 disappeared somewhere during the initial stuff coming
12 down.

13 BY MR. SCHULZ:

14 Q. Okay. When you say the initial stuff
15 coming down --16 A. When it was reported to the church, he
17 just disappeared. I'm not saying they had anything
18 with putting him -- him disappearing. I'm just saying
19 during that time frame.

20 Q. Okay.

21 A. The kind of Navy thing he was in was a
22 kind that was -- oh, okay. My cousin was sent to
23 guard The Tomb of the Unknown Soldier. That is for a
24 certain length of duty. And I think this thing what
25 Paul was doing was also one of certain length of

1 MR. GORDON: Objection; form.

2 THE DEPONENT: The man was telling me
3 how wonderful it was that he had put five boys through
4 the missions and all of this stuff. And I remember
5 the top of the thing I wrote back, I am so happy that
6 Paul's boys got to go on missions. I'm not angry with
7 them. But I said he put five boys through missions
8 and one boy into hell. And I said, I'm sorry, it
9 doesn't -- they don't balance.10 MR. GORDON: Objection; form;
11 non-responsive. Move to strike.

12 BY MR. SCHULZ:

13 Q. Mrs. Rinde, this bishop that you
14 referred to in California --15 A. Yeah. Robert would know exactly who he
16 is. I don't know his name.17 Q. All right. What was the time frame of
18 this? Do you know?19 A. It was just a year or so ago. But I
20 mean he would have to be crazy to let that man into
21 the church.22 MR. GORDON: Objection; form, no
23 question pending. Move to strike.

24 THE DEPONENT: Ask any mother.

25 BY MR. SCHULZ:

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1 duties and you're done, you're on to your duty roster.

2 Q. And it was same time frame?

3 A. I think so, yeah.

4 Q. All right. At any time, did Gordon
5 Conger have any follow-up conversations with you about
6 Paul Lewis?

7 A. No.

8 Q. Did any other church official have any
9 follow-up conversations with you about Paul Lewis?

10 A. To my remembrance at this moment, no.

11 Q. Okay. Did any church official report
12 to you at any time that they had talked to Paul Lewis
13 about the abuse?14 A. The only church official that I have
15 not spoken to have had -- have had written
16 communication with was a bishop in California who
17 wrote to me asking for my help to get Paul Lewis
18 reinstated in the Mormon Church. Would I forgive him
19 and all this other stuff. And I wrote back and said
20 no, and I said if you allow that man to become a
21 Mormon and you put him in control of any children at
22 any given time, I want you to know that I will hold
23 you responsible for any child that is damaged by him.
24 And I said, and I will make sure that whole place
25 where he's at also knows he's responsible.

1 Q. Mrs. Rinde --

2 MR. GORDON: Same objection.

3 BY MR. SCHULZ:

4 Q. -- other than the bishop in
5 California -- let's go back to the time frame again
6 that Rob was abused. Were there any follow-up
7 contacts to you by any bishops or church officials
8 regarding Rob that you can recall?9 A. Not that I can recall off the top of my
10 head.

11 Q. Okay.

12 A. Right at that time, we were going
13 through CAT scans and MRIs and all kinds of treatments
14 for his legs and things, too, and I don't remember
15 everything that was going on.

16 Q. Okay.

17 A. I was trying to hang on to his life on
18 top of everything else.

19 Q. Thank you, Mrs. Rinde.

20 MR. SCHULZ: That's all I have right
21 now.

22 THE DEPONENT: Thank you.

23 MR. GORDON: Mrs. Rinde, I would like
24 to take just 10 minutes. I don't have very much --

25 THE DEPONENT: Okay.

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<p>1 Q. Okay. She was Relief Society 2 president, to the best of your recollection? 3 A. To the best of my recollection -- 4 Q. (Inaudible). 5 A. -- before Bonnie Stowell. And the 6 bishop's wife, whose name I completely forget, he was 7 bishop before Bishop Williams, she had been Relief 8 Society president before Jane. 9 Q. You mentioned that she was a secretary 10 for Mr. Conger. She was a legal secretary? 11 A. She was a private secretary to Mr. 12 Conger. 13 Q. Is it your testimony she worked at his 14 law office? 15 A. Yep, the one up in the building, 16 Columbia Tower, 55th floor. 17 Q. Okay. Fourth question, again different 18 subject. You mentioned that your three sons, while 19 they were younger, were wild, wild men. What do you 20 mean by that? 21 A. Mischief, considerable mischief. They 22 were always getting into some kind of foolishness. 23 I'm trying to think right off the top of the head. 24 They'd instigate stuff. One boy would say something 25 funny and then my boys would just, you know, roll it</p>	<p>1 you're not saying that Lewis was in any of those 2 positions? 3 A. No. He was in a separate position 4 altogether that had to do with the purchase of musical 5 instruments -- blank -- musical instruments, getting 6 people to come and play. We had one little girl, 7 protTgT pianist in that ward, and she would come and 8 play all the time. And he made all those kinds of 9 arrangements and he had a -- what do you call it? A 10 spoon in a lot of pots as far as music and that type 11 of thing went. 12 Q. Okay. Different subject. You 13 mentioned when Gordon Conger was your home teacher and 14 coming to your home on occasion -- 15 A. Hm-hm. 16 Q. -- that he was the closest thing to a 17 husband. I just want to make sure that that was a 18 term of endearment -- 19 A. It was a term of endearment. I 20 absolutely loved Gordon Conger. He was very, very -- 21 I felt -- he was someone I felt I could trust with a 22 personal family thing. It would never go any farther 23 than Gordon. 24 Q. Okay. That's all I wanted to know. 25 A. There was nothing sexual intended or</p>
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<p>1 up and just keep it going and keep it going and keep 2 it going until they would have the entire class or 3 whatever group they were in absolutely rolling on the 4 ground. 5 Q. Okay. Other question, different 6 subject. Mr. Lewis's position in the Bellevue, was it 7 1st ward -- 8 (Parties started talking over each other.) 9 Q. Seattle 1st ward? 10 A. Seattle 1st ward, excuse me, you're 11 correct. 12 Q. You mentioned a bishopric. And if you 13 defined the bishopric as a bishop at the ward and the 14 first and second counselors at that ward and no one 15 else, are you saying he was either of those position 16 or you don't know? 17 A. No. When I say bishopric, I'm talking 18 about there is those three and they make most of the 19 decisions for the ward. But there are other men in 20 high calling also that make other decisions, that help 21 make the decisions for the ward. 22 Q. All I'm saying is, if you define the 23 bishopric at the ward level, a bishop -- 24 A. Right. 25 Q. -- and first and second counselor,</p>	<p>1 any otherwise meant. 2 Q. In this day and age, you got to be 3 careful on your words. 4 A. Oh, I know. And after I said that, I 5 went, oh, what have you done? 6 Q. No problem. Another subject. Your 7 former husband, I think you referred to him as Larry? 8 A. Yeah. He's dead. 9 Q. Was he ever accused of sexually 10 assaulting your daughter Kim? 11 A. There was talk of it after she was 12 dead, but there was never any evidence. 13 Q. Was he -- were any charges ever filed 14 against him? 15 A. He was arrested, but nothing was ever 16 done. She -- she retracted it all. She told me it 17 was a lie. Some other people who were -- supposedly 18 knew about it and whatever, they all said it was a 19 lie. 20 Q. Is that about the time also that she 21 disappeared? 22 A. Yeah. 23 Q. Okay. Last question. We talked just 24 very briefly yesterday about Rob babysitting the 25 Johannessen children and -- and bathing them and</p>

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1 bathing with them? Do you remember that?
 2 A. Yes, I remember that.
 3 Q. That was just a misunderstanding and
 4 nothing ever came of that, I take it?
 5 A. No.
 6 Q. There was no discipline by anybody on
 7 that?
 8 A. No.
 9 Q. It was just one of those things that
 10 got explained and everyone walked away?
 11 A. Well, they more or less walked their
 12 own way. She had been planning -- the daughter with
 13 the children -- had been planning on moving to Boise,
 14 so she just went to Boise. Nothing had changed.
 15 There was no surprise anythings here.
 16 Q. When -- when the incident occurred and
 17 there was some alarm, it got all explained and
 18 everyone understood and walked away?
 19 A. Yes.
 20 Q. It was a non-event?
 21 A. It was a non-event. No one ever gave
 22 me or anyone else any hassle about it.
 23 Q. No police, no church involvement, no
 24 nothing?
 25 A. No.

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1 Q. You agree with me?
 2 A. Yes.
 3 Q. Okay.
 4 MR. GORDON: I have nothing further.
 5 Thank you, very much, ma'am.
 6 THE DEPONENT: You're welcome.
 7 MR. SCHULZ: I have some brief
 8 testimony -- brief questions, Mrs. Rinde.
 9 EXAMINATION
 10 BY MR. SCHULZ:
 11 Q. Mrs. Rinde, you were asked about Mr.
 12 Lewis and your understanding of his role with the
 13 church.
 14 A. Yes.
 15 Q. And you had been asked some questions
 16 about that earlier. Were you aware that he was a
 17 member of the high priesthood or some other role --
 18 A. Oh, I know he was a high priest --
 19 MR. GORDON: Objection to form --
 20 THE DEPONENT: He had to have been.
 21 THE COURT REPORTER: Go on.
 22 MR. SCHULZ: Did you get down her
 23 answer?
 24 THE COURT REPORTER: Yeah, I got it on
 25 tape, so go.

1 BY MR. SCHULZ:
 2 Q. Let's just slow it down a second. I
 3 think you started --
 4 A. All right. I apologize.
 5 Q. I think you started before my question
 6 ended and Mr. Gordon jumped in and so I think we got
 7 kind of confused.
 8 MR. GORDON: You had three of us
 9 talking there.
 10 BY MR. SCHULZ:
 11 Q. So let's do our best. What was your
 12 understanding further of Mr. Lewis's role with the
 13 church?
 14 A. To participate in the kinds of things
 15 he participated for the church. I'm under the
 16 impression from everything that I have ever been
 17 taught in the church that he would have needed to be a
 18 high priest.
 19 Q. What do you mean by that, as you
 20 understand it, Mrs. Rinde?
 21 A. All right. When you're 12, you're made
 22 an ironic priest. You're -- hands are laid on you and
 23 things are said and whatever, and that makes you an
 24 ironic priest. At 14, you're made a teacher. And at
 25 16, I'm doing a blank.

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1 MR. GORDON: Melchesidek?
 2 THE DEPONENT: No, that's not until 18.
 3 16 is the one where they got the one where they can
 4 baptize. Oh, it's terrible that I don't remember.
 5 BY MR. SCHULZ:
 6 Q. Do you want to skip over that one and
 7 go on?
 8 A. Okay. Well, just keep in mind that
 9 that gives them the right to baptize.
 10 Q. Okay. Whatever it's called?
 11 A. The next one, you have to -- you go
 12 through as you became an elder, usually at 18, and
 13 that's when you become a Melchesidek priest. A priest
 14 after the matter of Melchesidek is the way it's put.
 15 Q. Okay.
 16 A. If you go higher up in the church to
 17 the stake level of the presidency, then you get
 18 another level of the priesthood called the high
 19 priesthood. And I'm fairly certain -- I would be
 20 fairly certain that Paul Lewis was a high priest.
 21 Q. That's your belief and understanding?
 22 A. (Nodding head). Robert was a high
 23 priest.
 24 Q. Okay. Mrs. Rinde, you were asked a
 25 couple of follow-up questions about Gordon Conger and

23 (Pages 86 to 89)

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<p>1 his role with the family --</p> <p>2 A. Oh, yes.</p> <p>3 Q. -- and to define that role. You</p> <p>4 indicated that it was -- he was someone you trusted at</p> <p>5 that time?</p> <p>6 A. I completely -- I totally, absolutely,</p> <p>7 completely, one hundred percent trusted this man.</p> <p>8 Q. Do you feel the same today?</p> <p>9 MR. GORDON: Objection to the form</p> <p>10 (inaudible).</p> <p>11 THE COURT REPORTER: Object?</p> <p>12 MR. GORDON: Objection to the form.</p> <p>13 BY MR. SCHULZ:</p> <p>14 Q. You can answer.</p> <p>15 A. You're going to have to ask me the</p> <p>16 question again. Now I'm thrown off by what was said</p> <p>17 here.</p> <p>18 Q. As you sit here today, do you have the</p> <p>19 same level of trust in Gordon Conger?</p> <p>20 A. No, I do not have the same level of</p> <p>21 trust for Gordon Conger.</p> <p>22 MR. GORDON: Same objection.</p> <p>23 THE DEPONENT: No.</p> <p>24 MR. SCHULZ: Off the record.</p> <p>25 (Discussion had off the record.)</p>	<p>1 A. Yes.</p> <p>2 Q. You gave testimony --</p> <p>3 A. Yeah, no problems.</p> <p>4 Q. You've given testimony today?</p> <p>5 A. Yes.</p> <p>6 Q. Correct?</p> <p>7 A. Yes.</p> <p>8 Q. There were some things you had</p> <p>9 difficulty remembering today; correct?</p> <p>10 A. Oh, yeah, that's one way of putting it.</p> <p>11 Considerable things I couldn't remember today.</p> <p>12 Q. The facts that you testified to</p> <p>13 today --</p> <p>14 A. Yes.</p> <p>15 Q. -- the things that you remember today,</p> <p>16 do you believe those are true and accurate to the best</p> <p>17 of your ability?</p> <p>18 A. To the very best of my ability, yes.</p> <p>19 MR. SCHULZ: Thank you. I have nothing</p> <p>20 further.</p> <p>21 MR. GORDON: Just two follow-ups</p> <p>22 because I want to get into the definitions.</p> <p>23 EXAMINATION</p> <p>24 BY MR. GORDON:</p> <p>25 Q. I don't think you inferred that only a</p>
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<p>1 BY MR. SCHULZ:</p> <p>2 Q. Why, Mrs. Rinde?</p> <p>3 MR. GORDON: Objection to form; asking</p> <p>4 for opinion.</p> <p>5 THE DEPONENT: I don't feel that he has</p> <p>6 been honest with me. I don't feel that he has -- I</p> <p>7 feel that the only person that he has represented in</p> <p>8 this whole mess has been the church and that's the</p> <p>9 only thing that he's cared about. As far as I was</p> <p>10 concerned and still am concerned, he stood in loco</p> <p>11 parentis for Robert, and I expected him to behave as</p> <p>12 such.</p> <p>13 MR. GORDON: Objection; move to strike.</p> <p>14 BY MR. SCHULZ:</p> <p>15 Q. Mrs. Rinde, you were asked finally some</p> <p>16 questions about your memory today. Did you have</p> <p>17 difficulty waking up today?</p> <p>18 A. I was not awake when you arrived. They</p> <p>19 came in, gave me my medicine, which I promptly threw</p> <p>20 up.</p> <p>21 Q. Without going back over that again, did</p> <p>22 you -- your deposition was taken yesterday; correct?</p> <p>23 A. Oh, that deposition?</p> <p>24 Q. Your deposition was taken yesterday;</p> <p>25 correct?</p>	<p>1 stake president is a member of the high priesthood.</p> <p>2 You didn't mean that, did you?</p> <p>3 A. No.</p> <p>4 Q. And, in fact, in a given ward, aren't</p> <p>5 most men over 40 high priests?</p> <p>6 A. Usually.</p> <p>7 Q. And so a high percentage of the men</p> <p>8 over 40 years old in a ward are -- hold that position?</p> <p>9 A. Yeah. It would be very unusual for</p> <p>10 them not to.</p> <p>11 Q. And one other question. And I'm going</p> <p>12 back and going to change the subjects on you. When</p> <p>13 Rob came back from going to the King County</p> <p>14 prosecutor's office, do you remember that?</p> <p>15 MR. SCHULZ: Object; beyond the scope.</p> <p>16 MR. GORDON: (Inaudible).</p> <p>17 THE DEPONENT: Yeah, I remember when he</p> <p>18 came home.</p> <p>19 BY MR. GORDON:</p> <p>20 Q. I just want to ask you one question on</p> <p>21 that. Did he come into your house, then, alone, or</p> <p>22 did Gordon come into your house at that time?</p> <p>23 MR. SCHULZ: Same objection;</p> <p>24 continuing, counsel, to this line.</p> <p>25 THE DEPONENT: To my knowledge, Robert</p>

24 (Pages 90 to 93)

Pat Carl & Associates (763) 591-0535 or (800) 591-9PCA (722)

EXHIBIT B

Rinde v. Church of Latter-Day Saints

Deposition of Gordon Conger

February 15, 2007

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

vs.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah
corporation sole; and the "MORMON
CHURCH" THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, an
unincorporated association,

Defendants.

No. 06-2-00825-1 SEA

DEPOSITION OF GORDON G. CONGER

February 15, 2007

Seattle, Washington

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25 Also present: Michael Rosenberger

1 assistant during that period of time. I think not 09:54
2 because it was a fairly small group of boys. 09:54
3 Q Okay. In the 1978 through '84 time frame, are you 09:54
4 called to the position of a scoutmaster? 09:54
5 A Well -- 09:54
6 Q Is one called to position of scoutmaster? 09:54
7 A The answer is yes, although it's a dual reporting. 09:54
8 The scoutmaster reports to the scouting organization, 09:54
9 and the ward is the sponsoring institution to the 09:55
10 scout troop. 09:55
11 And so the scoutmaster is designated by the ward, 09:55
12 but reports to the scout organization. The scout 09:55
13 organization has a district, and the Bellevue area 09:55
14 was the Cascade District. And in the scout 09:55
15 organization, I would report to a district 09:55
16 commissioner. 09:55
17 Q I'm sorry. The Bellevue area was the Cascade 09:55
18 District of the scouts? 09:55
19 A Yes. 09:55
20 Q And did that encompass both the Bellevue sixth ward 09:55
21 and the Bellevue first ward? 09:55
22 A Yes. 09:55
23 Q So were you the scoutmaster for both wards? 09:55
24 A No. When we -- when the ward was divided, the scout 09:55
25 troop was divided, and so I was initially scoutmaster 09:55

1 Q Did -- I'm sorry. Were you done? I do that. I 10:21
2 apologize. 10:21
3 A And I left. 10:21
4 Q Did you have any conversation with Joyce Pitsor about 10:21
5 how that meeting with the prosecuting attorney was at 10:22
6 any point? 10:22
7 A I'm sure that at some point -- and I don't recall 10:22
8 whether it was during a regular -- my wife and I or 10:22
9 my son and I visited the Pitsor family periodically 10:22
10 as their home teacher, another bit of LDS jargon, and 10:22
11 it may have been at our next home teaching visit. 10:22
12 Q Do you recall what the conversation with you and 10:22
13 Joyce Pitsor was with regard to that? 10:22
14 A Well, I just reported that I had not been able to go 10:22
15 in with Rob and that I had done what I was asked to 10:22
16 do in taking him down. 10:22
17 Q I'm sorry. I should have asked you this way earlier. 10:23
18 Do you remember what year this was that this car trip 10:23
19 down to King County prosecuting attorney's? 10:23
20 A Yes. Because about six months later, I was released 10:23
21 as -- from my scout leadership position to take the 10:23
22 position that we've already discussed as a counselor 10:23
23 to the then stake president, and so I knew that it 10:23
24 was early in 1984. 10:23
25 Q I'm sorry? 10:23